

8-2619

Office Memorandum • UNITED STATES GOVERNMENT

TO : Legislative Counsel

DATE: APR 21 1956

FROM : Director of Security

SUBJECT: Legislative Bill No. H.R. 9619

1. H.R. 9619 provides for the establishment of a Commission on Civil Rights and would authorize the Commission to subpoena the attendance of witnesses and documentary evidence. This raises a question as to whether this might affect the responsibility of the DCI for the protection of intelligence sources and methods as imposed by CIA Act of 1949 and the National Security Act of 1947. If such is the case, it is believed that action should be proposed to circumvent any diminution of such responsibilities.

2. It is suggested that the Legislative Counsel consider this in its review of the proposed bill.

FOR THE DIRECTOR OF SECURITY:


Executive Officer

25X1A

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
<input type="checkbox"/>	UNCLASSIFIED	<input type="checkbox"/>	CONFIDENTIAL
<input checked="" type="checkbox"/>	SECRET		
CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	INITIALS	DATE
1	LEGISLATIVE COUNSEL		
2	335 Admin		
3			
4			
5			
6			
<input type="checkbox"/>	ACTION	<input type="checkbox"/>	DIRECT REPLY
<input type="checkbox"/>	APPROVAL	<input type="checkbox"/>	DISPATCH
<input type="checkbox"/>	COMMENT	<input type="checkbox"/>	FILE
<input type="checkbox"/>	CONCURRENCE	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>		<input type="checkbox"/>	PREPARE REPLY
<input type="checkbox"/>		<input type="checkbox"/>	RECOMMENDATION
<input type="checkbox"/>		<input type="checkbox"/>	RETURN
<input type="checkbox"/>		<input type="checkbox"/>	SIGNATURE
Remarks:			
<p>Attached is memo concerning H.R. 9619</p> <p><i>Comments have also been requested of OGC. There have been several similar bills introduced</i></p>			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
Executive Officer/OS			26 Apr 56
<input type="checkbox"/>	UNCLASSIFIED	<input type="checkbox"/>	CONFIDENTIAL
<input type="checkbox"/>	SECRET		

FORM NO. 237
1 APR 55Replaces Form 30-4
which may be used.

☆ U. S. GOVERNMENT PRINTING OFFICE : 1955—O-342531

(40)

NOTICE OF PENDING LEGISLATION

DATE

9 March 1956

LEGISLATIVE BILL NO.

H. R. 9619

SECTION I

GENERAL

TO : Dir/Security
OGCFROM: LEGISLATIVE COUNSEL
OFFICE OF GENERAL COUNSEL

THE ATTACHED BILL, WHICH HAS BEEN INTRODUCED INTO CONGRESS, IS:

☐ SENT TO YOU FOR INFORMATION ONLY.☐ A BILL ON WHICH FAVORABLE CONGRESSIONAL ACTION ☐ IS ☐ IS NOT PREDICTED.☒ SENT FOR YOUR COMMENT AS TO WHETHER IT IS OF INTEREST TO CIA ACTIVITIES, AND WHETHER FURTHER ACTION BY THIS OFFICE IS NECESSARY OR DESIRED.

IT IS REQUESTED THAT COMMENTS CONCERNING THIS LEGISLATION BE FORWARDED, THROUGH APPROPRIATE CHANNELS, TO THIS OFFICE, BY _____

FOLD
HERE

SECTION II

COMMENTS (From Original Addressee)

TO : LEGISLATIVE COUNSEL
OFFICE OF GENERAL COUNSELFROM:
Office of General CounselFOLD
HERE

The Commission on Civil Rights, sought to be established by this bill, can have no greater inquiry nor subpoena powers than the Congress which would create it. Consequently, should inquiry be made which might interfere with our operation, we could raise the argument of "Executive privilege", or the special responsibility imposed upon the Director by the CIA Act of 1949 and the National Security Act of 1947 to protect intelligence sources and methods.

STATINTL

DATE OF COMMENTS

27 March 1956

SIGNATURE AND

Approved For Release 2002/01/02 : CIA-RDP59-00224A000200150001-7

Assistant General Counsel

Security
6C
Committee

84TH CONGRESS
2^D SESSION

H. R. 9619

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 1956

Mr. ROOSEVELT introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the civil rights of individuals by establishing a Commission on Civil Rights in the executive branch of the Government, a Civil Rights Division in the Department of Justice, and a Joint Congressional Committee on Civil Rights, to strengthen the criminal laws protecting the civil rights of individuals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Civil Rights Act 1956".

4 TITLE I—COMMISSION ON CIVIL RIGHTS

5 SEC. 101. The Congress finds that the freedoms guaran-
6 teed by the Constitution of the United States have con-
7 tributed, in large measure, to the rapid growth, productivity,

1 and ingenuity which characterize our Nation; and that,
2 despite the continuing progress of our Nation with respect
3 to the protection of the rights of individuals, the civil rights
4 of some persons within the jurisdiction of the United States
5 are being denied, abridged, or threatened. The Congress
6 recognizes that the national security and general welfare of
7 the United States calls for more adequate protection of the
8 civil rights of individuals; and that the executive and legis-
9 lative branches of our Government must be accurately and
10 continuously informed concerning the extent to which funda-
11 mental constitutional rights are abridged or denied.

12 SEC. 102. There is created in the executive branch of the
13 Government a Commission on Civil Rights (hereinafter
14 called the "Commission"). The Commission shall be com-
15 posed of five members who shall be appointed by the Presi-
16 dent, by and with the advice and consent of the Senate,
17 and of whom not more than three shall be members of the
18 same political party. The President shall designate one of
19 the members of the Commission as Chairman and one as
20 Vice Chairman. The Vice Chairman shall act as Chairman
21 in the absence or disability of the Chairman, or in the event
22 of a vacancy in the office. Any vacancy in the Commission
23 shall not affect its powers and shall be filled in the same
24 manner in which the original appointment was made. Three
25 members of the Commission shall constitute a quorum. Each

1 member of the Commission shall receive the sum of \$50
2 per day for each day spent in the work of the Commission,
3 together with actual and necessary traveling and subsistence
4 expenses incurred while engaged in the work of the Com-
5 mission (or, in lieu of subsistence, a per diem allowance
6 at a rate not in excess of \$10).

7 SEC. 103. (a) It shall be the duty and function of the
8 Commission to gather timely and authoritative information
9 concerning developments affecting the civil rights of individ-
10 uals under the Constitution and laws of the United States;
11 to appraise the policies, practices, and enforcement program
12 of the Federal Government with respect to civil rights; to
13 appraise the activities of the Federal, State, and local govern-
14 ments, and the activities of private individuals and groups,
15 with a view to determining what activities adversely affect
16 civil rights; to assist States, counties, municipalities, and
17 private agencies in conducting studies to protect civil rights
18 of all Americans without regard to race, color, creed, or
19 national origin; and to recommend to the Congress legislation
20 necessary to safeguard and protect the civil rights of all
21 Americans.

22 (b) The Commission shall make an annual report to the
23 President and to the Congress on its findings and recom-
24 mendations, and it may in addition from time to time, as it
25 deems appropriate or at the request of the President, advise

1 the President of its findings and recommendations with
2 respect to any civil-rights matter.

3 SEC. 104. (a) The Commission may constitute such ad-
4 visory committees and may consult with such representa-
5 tives of State and local governments, and private organi-
6 zations, as it deems advisable. The Commission shall, to the
7 fullest extent possible, utilize the services, facilities, and in-
8 formation of other Government agencies, as well as private
9 research agencies, in the performance of its functions. All
10 Federal agencies are directed to cooperate fully with the
11 Commission to the end that it may effectively carry out its
12 functions and duties.

13 (b) Within the limitations of its appropriations, the
14 Commission is authorized to appoint a full-time staff director
15 and such other personnel, to procure such printing and bind-
16 ing, and to make such expenditures as, in its discretion, it
17 deems necessary and advisable.

18 (c) The Commission shall have authority to accept and
19 utilize services of voluntary and uncompensated personnel
20 and to pay any such personnel actual and necessary travel-
21 ing and subsistence expenses incurred while engaged in the
22 work of the Commission (or, in lieu of subsistence, a per
23 diem allowance at a rate not in excess of \$10).

1 SEC. 105. (a) The Commission shall have power to
2 issue subpoenas requiring the attendance and testimony of
3 witnesses and the production of any evidence that relates to
4 any matter under study or investigation. Any member of
5 the Commission may administer oaths and affirmations, ex-
6 amine witnesses, and receive evidence. Such attendance of
7 witnesses and the production of such evidence may be re-
8 quired from any place in the United States or any Territory
9 or possession thereof, at any designated place of hearing.

10 (b) In case of contumacy or refusal to obey a subpoena
11 issued to any person, any district court of the United States
12 or the United States court of any Territory or possession, or
13 the District Court of the United States for the District of
14 Columbia, within the jurisdiction of which the inquiry is
15 carried on or within the jurisdiction of which such person
16 guilty of contumacy or refusal to obey is found or resides or
17 transacts business, upon application by the Commission shall
18 have jurisdiction to issue to such person an order requiring
19 such person to appear before the Commission, there to pro-
20 duce evidence if so ordered, or there to give testimony
21 touching the matter under investigation; and any failure to
22 obey such order of the court may be punished by such court
23 as a contempt thereof.

1 TITLE II—CIVIL RIGHTS DIVISION OF THE
2 DEPARTMENT OF JUSTICE

3 SEC. 201. There shall be in the Department of Justice
4 an additional Assistant Attorney General, learned in the law,
5 who shall be appointed by the President, by and with the
6 advice and consent of the Senate, and shall, under the
7 direction of the Attorney General, be in charge of a Civil
8 Rights Division of the Department of Justice concerned with
9 all matters pertaining to the preservation and enforcement of
10 civil rights secured by the Constitution and laws of the
11 United States.

12 SEC. 202. The personnel of the Federal Bureau of In-
13 vestigation of the Department of Justice shall be increased
14 to the extent necessary to carry out effectively the duties of
15 such Bureau with respect to the investigation of civil-rights
16 cases under applicable Federal law. Such Bureau shall in-
17 clude in the training of its agents appropriate training and
18 instructions, to be approved by the Attorney General, in
19 the investigation of civil-rights cases.

20 TITLE III—JOINT COMMITTEE ON CIVIL RIGHTS

21 SEC. 301. There is established a Joint Committee on
22 Civil Rights (hereinafter called the "joint committee"),
23 to be composed of seven Members of the Senate, to be
24 appointed by the President of the Senate, and seven Members
25 of the House of Representatives, to be appointed by the

1 Speaker of the House of Representatives. The party repre-
2 sentation on the joint committee shall as nearly as may be
3 feasible reflect the relative membership of the majority and
4 minority parties in the Senate and House of Representatives.

5 SEC. 302. It shall be the function of the joint committee
6 to make a continuing study of matters relating to civil rights,
7 including the rights, privileges, and immunities secured and
8 protected by the Constitution and laws of the United States;
9 to study means of improving respect for and enforcement
10 of civil rights; and to advise and consult with the several
11 committees of the Congress dealing with legislation relating
12 to civil rights.

13 SEC. 303. Vacancies in the membership of the joint
14 committee shall not affect the power of the remaining mem-
15 bers to execute the functions of the joint committee and shall
16 be filled in the same manner as in the case of the original
17 selection. The joint committee shall select a chairman and
18 a vice chairman from among its members.

19 SEC. 304. The joint committee, or any duly authorized
20 subcommittee thereof, is authorized to hold such hearings,
21 to sit and act at such places and times, to require, by sub-
22 pena or otherwise, the attendance of such witnesses and the
23 production of such books, papers, and documents, to admin-
24 ister such oaths, and to take such testimony, as it deems
25 advisable. The provisions of sections 102 to 104, inclusive,

1 of the Revised Statutes, as amended (2 U. S. C., secs. 192,
2 193, 194), shall apply in case of any failure of any witness
3 to comply with a subpoena or to testify when summoned
4 under authority of this section. Within the limitations of its
5 appropriations, the joint committee is empowered to appoint
6 and fix the compensation of such experts, consultants, tech-
7 nicians, and clerical and stenographic assistance, to procure
8 such printing and binding, and to make such expenditures as,
9 in its discretion, it deems necessary and advisable. The cost
10 of stenographic services to report hearings of the joint
11 committee, or any subcommittee thereof, shall not exceed
12 40 cents per hundred words.

13 SEC. 305. Funds appropriated to the joint committee
14 shall be disbursed by the Secretary of the Senate on vouchers
15 signed by the chairman and vice chairman.

16 SEC. 306. The joint committee may constitute such
17 advisory committees and may consult with such representa-
18 tives of State and local governments and private organiza-
19 tions as it deems advisable.

20 TITLE IV—CRIMINAL LAWS PROTECTING CON-
21 STITUTIONAL RIGHTS, PRIVILEGES, AND
22 IMMUNITIES

23 SEC. 401. Section 241 of title 18 of the United States
24 Code is amended to read as follows;

1 “§ 241. Conspiracy against or deprivation of rights of citi-
2 zens

3 “(a) If two or more persons conspire to injure, oppress,
4 threaten, or intimidate any inhabitant of any State, Terri-
5 tory, or District in the free exercise or enjoyment of any
6 right or privilege secured to him by the Constitution or laws
7 of the United States, or because of his having so exercised the
8 same; or

9 “If two or more persons go in disguise on the highway,
10 or on the premises of another, with intent to prevent or
11 hinder his free exercise or enjoyment of any right or privi-
12 lege so secured—

13 “They shall be fined not more than \$5,000 or imprisoned
14 not more than ten years, or both.

15 “(b) If any person injures, oppresses, threatens, or in-
16 timidates any inhabitant of any State, Territory, or District
17 in the free exercise or enjoyment of any right or privilege
18 secured to him by the Constitution or laws of the United
19 States, or because of his having so exercised the same; or

20 “If any person goes in disguise on the highway, or on
21 the premises of another, with intent to prevent or hinder his
22 free exercise or enjoyment of any right or privilege so
23 secured—

1 “Such person shall be fined not more than \$1,000 or
2 imprisoned not more than one year, or both; or shall be fined
3 not more than \$10,000 or imprisoned not more than twenty
4 years, or both, if the injury or other wrongful conduct herein
5 described shall cause the death or maiming of the person so
6 injured or wronged.

7 “(c) Any person or persons violating the provisions of
8 subsection (a) or (b) of this section shall be subject to suit
9 by the party injured, or by his estate, in an action at law,
10 suit in equity, or other proper proceeding for damages or
11 preventive or declaratory or other relief. The district courts,
12 concurrently with State and Territorial courts, shall have
13 jurisdiction of all proceedings under this subsection without
14 regard to the sum or value of the matter in controversy.
15 The term ‘district courts’ includes any district court of the
16 United States as constituted by chapter 5 of title 28 of the
17 United States Code (28 U. S. C., sec. 81 et seq.), and the
18 United States court of any Territory or other place subject
19 to the jurisdiction of the United States.”

20 SEC. 402. Section 242 of title 18 of the United States
21 Code is amended to read as follows:

22 “§ 242. Deprivation of rights under color of law

23 “Whoever, under color of any law, statute, ordinance,
24 regulation, or custom, willfully subjects, or causes to be sub-
25 jected, any inhabitant of any State, Territory, or District

1 to the deprivation of any rights, privileges, or immunities
2 secured or protected by the Constitution and laws of the
3 United States, or to different punishments, pains, or penal-
4 ties, on account of such inhabitant being an alien, or by
5 reason of his color or race, than are prescribed for the punish-
6 ment of citizens, shall be fined not more than \$1,000 or
7 imprisoned not more than one year, or both; or shall be fined
8 not more than \$10,000 or imprisoned not more than twenty
9 years, or both, if the deprivation, different punishment, or
10 other wrongful conduct herein described shall cause the death
11 or maiming of the person so injured or wronged."

12 SEC. 403. Chapter 13 of title 18 of the United States
13 Code is amended by adding after section 242 the following
14 new section:

15 "§ 242A. Enumeration of rights, privileges, and immunities

16 "The rights, privileges, and immunities referred to in
17 section 242 shall be deemed to include, but shall not be
18 limited to, the following:

19 "(1) The right to be immune from exactions of fines,
20 or deprivations of property, without due process of law.

21 "(2) The right to be immune from punishment for
22 crime or alleged criminal offenses except after a fair trial
23 and upon conviction and sentence pursuant to due process
24 of law.

25 "(3) the right to be immune from physical violence

1 applied to exact testimony or to compel confession of crime
2 or alleged offenses.

3 “(4) The right to be free of illegal restraint of the
4 person.

5 “(5) The right to protection of person and property
6 without discrimination by reason of race, color, religion, or
7 national origin.

8 “(6) The right to vote as protected by Federal law.”

9 SEC. 404. The analysis of chapter 13 of title 18 of the
10 United States Code, immediately preceding section 241
11 thereof, is amended (1) by striking out “241. Conspiracy against
12 rights of citizens.” and inserting in lieu thereof “241. Conspiracy
13 against and deprivation of rights of citizens.”, and (2) by
14 inserting immediately after and below item numbered 242
15 the following new item:

“242A. Enumeration of rights, privileges, and immunities.”

16 TITLE V—LAWS PROTECTING RIGHT TO POLITI-
17 CAL PARTICIPATION

18 SEC. 501. Section 594 of title 18 of the United States
19 Code is amended to read as follows:

20 “§ 594. Intimidation of voters

21 “Whoever intimidates, threatens, coerces, or unjustly
22 discriminates against, or attempts to intimidate, threaten,
23 coerce, or unjustly discriminate against, any other person
24 for the purpose of interfering with the right of such other

1 person to qualify to vote, to vote, or to vote as he may choose,
2 or of causing such other persons to vote for, or not to vote for,
3 any candidate for the office of President, Vice President,
4 Presidential elector, Member of the Senate, or Member of
5 the House of Representatives or Delegate or Commissioner
6 from a Territory or possession, at any general, special, or
7 primary election held solely or in part for the purpose of
8 selecting or electing such candidate, shall be fined not more
9 than \$1,000 or imprisoned not more than one year, or both."

10 SEC. 502. Section 2004 of the Revised Statutes (42
11 U. S. C., sec. 1971) is amended to read as follows:

12 "SEC. 2004. All citizens of the United States who are
13 otherwise eligible by law shall be entitled to and allowed the
14 same and equal opportunity to qualify to vote and to vote at
15 any general, special, or primary election by the people con-
16 ducted in or by any State, Territory, district, county, city,
17 parish, township, school district, municipality, or other ter-
18 ritorial subdivision, without distinction, direct or indirect,
19 based on race, color, religion, or national origin, any con-
20 stitution, law, custom, usage, or regulation of any State or
21 Territory, or by or under its authority, to the contrary
22 notwithstanding. The right to qualify to vote and to vote,
23 as set forth herein, shall be deemed a right within the
24 meaning of, and protected by, the provisions of section 2429,
25 title 18 of the United States Code, section 1979 of the

1 Revised Statutes (42 U. S. C., sec. 1983), and other
2 applicable provisions of law.”

3 SEC. 503. In addition to the criminal penalties provided,
4 any person or persons violating the provisions of section 594
5 of title 18 of the United States Code shall be subject to suit
6 by the party injured, or by his estate, in an action at law, suit
7 in equity, or other proper proceeding for damages or pre-
8 ventive or declaratory or other relief. The provisions of
9 such section and of section 2004 of the Revised Statutes
10 shall also be enforceable by the Attorney General in suits
11 in the district courts for preventive or declaratory or other
12 relief. The district courts, concurrently with State and Terri-
13 torial courts, shall have jurisdiction of proceedings under
14 this section without regard to the sum or value of the mat-
15 ter in controversy. The term “district courts” includes any
16 district court of the United States as constituted by chapter
17 5 of title 28 of the United States Code (28 U. S. C., sec.
18 81 et seq.), and the United States court of any Territory or
19 other place subject to the jurisdiction of the United States.

20 TITLE VI—MISCELLANEOUS PROVISIONS

21 SEC. 601. On the first day, or within one week there-
22 after, of the first regular session of the Eighty-fifth Congress
23 and of each Congress thereafter, the President shall transmit
24 to the Congress a report on the denial of the right to vote
25 in the United States, so that the Congress may be fully

1 informed with respect to the exercise of its functions under
2 section 2 of the fourteenth amendment to the Constitution
3 and under section 22 of the Revised Statutes (2 U. S. C. 6) .

4 SEC. 602. If any provision of or amendment made by
5 this Act or the application thereof to any person or circum-
6 stance is held invalid, the validity of the remainder of this
7 Act and of the application of such provision or amendment
8 to other persons and circumstances shall not be affected
9 thereby.

84TH CONGRESS
2D SESSION

H. R. 9619

A BILL

To protect the civil rights of individuals by establishing a Commission on Civil Rights in the executive branch of the Government, a Civil Rights Division in the Department of Justice, and a Joint Congressional Committee on Civil Rights, to strengthen the criminal laws protecting the civil rights of individuals, and for other purposes.

By Mr. ROOSEVELT

FEBRUARY 28, 1956

Referred to the Committee on the Judiciary